

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Petition of Dalia Genger, as
Trustee of the Orly Genger 1993 Trust, Created by
Trust Agreement Dated December 13, 1993 between
ARIE GENDER, as Grantor, and LAWRENCE M.
SMALL and SASH A. SPENCER, as Trustees, to
Turnover Property to the Orly Genger 1993 Trust.

File No.: 2008-0017/E

Surrogate Nora S. Anderson

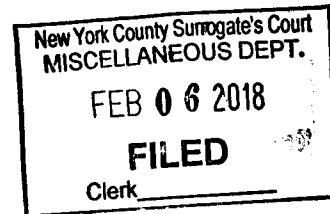
Dalia Genger, Trustee of the Orly Genger 1993 Trust,

Petitioner,

-against-

Orly Genger, et al.,

Respondents.



NOTICE OF MOTION TO DISMISS PETITION

PLEASE TAKE NOTICE THAT, upon the accompanying Affirmation of Mitchell D. Goldberg dated February 5, 2018, and upon all the pleadings and proceedings heretofore had herein, Respondents Arnold Broser and David Broser, through his undersigned attorneys, will move this Court, at 31 Chambers Street, New York, New York 10007, Room 509, on February 27, 2018 at 10:00 a.m., or as soon thereafter as counsel can be heard, for an order dismissing with prejudice Dalia Genger's Petition pursuant to SCPA Section 102 and CPLR Sections 321(a)(4), (5), (7) and (8) and for such further and other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to CPLR 2214(b), answering papers, and any notice of cross-motion, with supporting papers, if any, shall be served on the undersigned counsel at least seven (7) days prior to the return date of this motion.

Dated: New York, New York
February 5, 2018

THE FREYBERG LAW GROUP

By: 

Mitchell D. Goldberg, Esq., Esq.

950 Third Avenue, 32nd Floor

New York, New York 10022

(212) 983-1221

Attorneys for Respondents

Arnold Broser and David Broser

To: Law office of Judith Bachman
Attn: Judith Bachman, Esq.
254 S. Main Street
Suite 306
New City, New York 10956
(845) 639-3210
Attorney for Petitioner Dalia Genger

AFFIDAVIT OF SERVICE

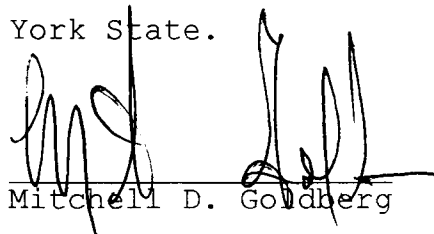
STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

Mitchell D. Goldberg, being duly sworn, deposes and says:
That deponent is not a party to the action, is over 18 years of age
and resides in the County of Westchester, State of New York.

That on the 5th day of February, 2017, deponent served the
within Affirmation In Support of Respondents Arnold Broser And
David Broser Motion To Dismiss Dalia Genger's 2016 Petition upon
the following parties in this action:

Judith Bachman, Esq.
254 S. Main Street, Suite 306
New City, New York 10956
Counsel to Petitioner Dalia Genger

by depositing a true copy of same enclosed at the address
designated by said attorneys for that purpose by Federal Express,
in an official depository under the exclusive care and custody of
Federal Express within the State of New York State.



Mitchell D. Goldberg

Sworn to before me this
5th day of February, 2018



Notary Public

SANDRA SWERSKY
Notary Public - State of New York
No. 01SW6220117
Qualified in Westchester County
My Commission Expires April 12, 2018